

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

LAURA WILSON,)	Civil Action No.: 6:16-3353-BHH
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
ANDREW SAUL, Commissioner of Social)	
Security,)	
)	
Defendant.)	
_____)	

On November 13, 2019, counsel for Plaintiff filed a motion for attorney's fees pursuant to 42 U.S.C. § 406(b). (ECF No. 34). Plaintiff was awarded a total of \$61,672.52 in back-due Title II benefits. Counsel assert they are entitled to reimbursement for representation provided in the above-captioned case in the amount of \$15,418.13. Counsel represent that they "petitioned the Administrative Law Judge at the administrative level for attorney's fees in the amount of \$6,000.00 for representation provided at the administrative level," (ECF No. 34 at 1), and that the ALJ "has yet to render a decision on that petition," (ECF No. 34-1 at 2). Counsel also represent that should the Administrative Law Judge grant their petition, they will refund Plaintiff for that amount. (*Id.* at 6). As required by 42 U.S.C. § 406(b), the amount requested by counsel is not greater than twenty-five percent (25%) of the past-due benefits recovered by Plaintiff. Counsel acknowledge that Plaintiff was awarded fees under the Equal Access to Justice Act ("EAJA") in the amount of \$6,500.00, and represents that they will refund that amount to Plaintiff.

On November 21, 2019, counsel for the Commissioner of Social Security ("Commissioner") filed a response to the motion, stating that the Commissioner does not

object to the motion. (ECF No. 35). The Commissioner clarifies that the fees are for court time only and represent the total amount the Agency may grant under § 206 of the Social Security Act, 42 U.S.C. § 406. The Commissioner asks that the Court order Plaintiff's counsel to remit to Plaintiff the amount of fees previously awarded under EAJA. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).

The Court has reviewed the motion and exhibits thereto and finds that counsel's request for fees is reasonable. Accordingly,

IT IS **ORDERED** that Plaintiff's counsel's motion for attorney's fees pursuant to 42 U.S.C. § 406(b) (ECF No. 34) is **GRANTED** in the amount of \$15,418.13, authorized to Timothy Clardy, Esquire.

IT IS FURTHER **ORDERED** that Plaintiff's counsel shall remit to Plaintiff the amount of \$6,500.00, which represents the total amount of EAJA fees previously awarded.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
Bruce Howe Hendricks
United States District Judge

November 25, 2019
Charleston, South Carolina